

REFERENCE TITLE: vehicle license plates; amber plates

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2445

Introduced by
Representative Weiers JP

AN ACT

AMENDING SECTIONS 28-2151, 28-2207, 28-2351, 28-2352, 28-2353, 28-2356, 28-2402 AND 28-6991, ARIZONA REVISED STATUTES; AMENDING SECTION 28-2354, ARIZONA REVISED STATUTES, AS RENUMBERED BY LAWS 1996, CHAPTER 76, SECTION 7; AMENDING SECTION 28-2354, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2006, CHAPTER 377, SECTION 1; RELATING TO VEHICLE LICENSE PLATES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-2151, Arizona Revised Statutes, is amended to
3 read:

4 28-2151. Registration by mail; postage fund

5 A. The director may establish a procedure for mailing registration
6 applications and license plates or license tabs to applicants.

7 B. For purposes of paying postage incurred under this section, the
8 director may establish a postage fund and charge the estimated costs incurred
9 under this section for transmitting renewal notices, REGISTRATION
10 APPLICATIONS, LICENSE PLATES AND LICENSE TABS to applicants. The director
11 may transfer monies in the director's postage fund annually and use the
12 monies as provided in section 28-6993, subsection C.

13 Sec. 2. Section 28-2207, Arizona Revised Statutes, is amended to read:

14 28-2207. Renewal of fleet registration; deletion of vehicle

15 A. On the renewal of a fleet registration, the department shall
16 require payment of full license fees for each vehicle registered in the
17 preceding year unless the vehicle has been deleted from the fleet as required
18 by this section.

19 B. To delete a vehicle from a fleet, the fleet registrant shall notify
20 the department that ~~the~~ EACH license plate assigned to the vehicle has been
21 removed from the vehicle. Notwithstanding section 28-2058, the department
22 may allow a fleet registrant to retain a license plate that is not
23 transferred to another vehicle. If the department does not allow a fleet
24 registrant to retain the license plate, the fleet registrant shall either
25 surrender the license plate to the department or an authorized third party or
26 submit an affidavit of license plate destruction as prescribed by the
27 director. If the license plate is lost or stolen, the fleet registrant shall
28 submit a sworn statement detailing the circumstances for the inability to
29 retain, surrender or destroy the license plate.

30 Sec. 3. Section 28-2351, Arizona Revised Statutes, is amended to read:

31 28-2351. License plates provided; design; rules

32 A. The department shall provide to every owner OF A MOTORCYCLE,
33 TRAILER, SEMITRAILER, ALL-TERRAIN VEHICLE OR OFF-ROAD RECREATIONAL MOTOR
34 VEHICLE one license plate for each vehicle registered. ~~At the request of the~~
35 ~~owner and on payment of any required fee,~~ The department shall provide ~~either~~
36 ~~one or~~ two license plates for a vehicle for which a special plate is
37 requested pursuant to this chapter, except that the department shall provide
38 one license plate if the special plate is issued pursuant to section ~~28-2404,~~
39 ~~28-2409 or 28-2416.~~

40 B. EXCEPT AS PROVIDED IN SUBSECTION A OF THIS SECTION, THE DIRECTOR
41 SHALL ESTABLISH PROCEDURES TO PROVIDE TWO LICENSE PLATES FOR EVERY MOTOR
42 VEHICLE INITIALLY REGISTERED OR FOR WHICH THE REGISTRATION IS RENEWED ON OR
43 AFTER JULY 1, 2008. THE TWO LICENSE PLATES PROVIDED SHALL BE DUPLICATES OF
44 EACH OTHER. THROUGH JUNE 30, 2008, THE DEPARTMENT SHALL PROVIDE TO EVERY
45 OWNER:

1 1. ONE LICENSE PLATE FOR EACH VEHICLE REGISTERED, EXCEPT AS PROVIDED
2 IN PARAGRAPH 2.

3 2. TWO LICENSE PLATES FOR A VEHICLE FOR WHICH A SPECIAL PLATE IS
4 REQUESTED PURSUANT TO THIS CHAPTER, EXCEPT THAT THE DEPARTMENT SHALL PROVIDE
5 ONE LICENSE PLATE IF THE SPECIAL PLATE IS ISSUED PURSUANT TO SECTION 28-2409.

6 ~~B.~~ C. ~~The~~ EACH license plate shall display the number assigned to the
7 vehicle and to the owner of the vehicle and the name of this state, which may
8 be abbreviated. The director shall coat the license plate with a reflective
9 material that is consistent with the determination of the license plate
10 commission established by section 28-2405 regarding the color and design of
11 license plates and special plates as prescribed by section 28-2405. The
12 director shall design the license plate and the letters and numerals on the
13 license plate to be of sufficient size to be plainly readable during daylight
14 from a distance of one hundred feet. In addition to the standard license
15 plate issued for a trailer before August 12, 2005, the director shall issue a
16 license plate for trailers that has a design that is similar to the standard
17 size license plate for trailers but that is the same size as the license
18 plate for motorcycles. The trailer owner shall notify the department which
19 size license plate the owner wants for the trailer.

20 ~~C.~~ D. Notwithstanding any other law, the department shall not
21 contract with a nongovernmental entity to purchase or secure reflective
22 material for the LICENSE plates issued by the department unless the
23 department has made a reasonable effort to secure qualified bids or proposals
24 from as many individual responsible respondents as possible.

25 ~~D.~~ E. The license plate commission established by section 28-2405
26 shall determine the color and design of the license plate. All other plates
27 issued by the department, except the plates issued pursuant to sections
28 28-2412, 28-2413, 28-2414, 28-2416 through 28-2428, 28-2452, 28-2453, 28-2454
29 and 28-2455 and article 14 of this chapter, shall be the same color as and
30 similar in design to the license plate as determined by the commission.

31 ~~E.~~ F. A passenger motor vehicle rented without a driver shall receive
32 the same type of license plate as issued for a private passenger motor
33 vehicle.

34 G. THE DIRECTOR MAY ADOPT RULES TO IMPLEMENT THIS SECTION.

35 Sec. 4. Section 28-2352, Arizona Revised Statutes, is amended to read:
36 28-2352. License plate; return; replacement; fee

37 A. On termination of the lawful use of ~~the~~ A license plate the
38 director SHALL CANCEL THE LICENSE PLATE ON THE DEPARTMENT'S RECORDS AND may
39 require return to the department of the plate issued by the department.

40 B. If ~~the~~ A license plate ~~of~~ ATTACHED TO a vehicle is mutilated or
41 illegible, the owner shall return the plate to the department OR SUBMIT AN
42 AFFIDAVIT THAT THE LICENSE PLATE IS LOST OR DESTROYED, and the department
43 shall issue a new plate on payment of the fee provided in this section.

44 C. The fee for replacement of each lost, destroyed or mutilated
45 license plate, ~~pair of license plates~~ or year validating tab is five dollars.

1 Sec. 5. Section 28-2353, Arizona Revised Statutes, is amended to read:
2 28-2353. Special license plate replacement fee

3 A. The department may establish a special license plate replacement
4 fee for deposit in the state highway fund established by section 28-6991.
5 The fee is composed of twenty-five cents of each registration fee collected
6 or received by the department. These fees are in addition to fees authorized
7 to be kept pursuant to sections 28-2005 and 28-6991.

8 B. Subject to legislative appropriation, the department shall use the
9 monies deposited in the state highway fund pursuant to this section ~~to~~
10 ~~systematically replace license plates that are no longer plainly readable or~~
11 ~~to offset the cost of the issuance of a newly designed license plate.~~ AND
12 SECTIONS 28-2356 AND 28-2402 FOR COSTS RELATED TO ANY OF THE FOLLOWING:

13 1. SYSTEMATIC REPLACEMENT OF LICENSE PLATES THAT ARE NO LONGER PLAINLY
14 READABLE OR THAT HAVE BEEN ISSUED FOR A PERIOD OF TIME THAT EXCEEDS THE PLATE
15 MANUFACTURER'S CONTRACT SPECIFICATIONS FOR REFLECTIVITY.

16 2. ISSUANCE OF A NEWLY DESIGNED LICENSE PLATE TO SYSTEMATICALLY
17 REPLACE LICENSE PLATES ISSUED PURSUANT TO SECTION 28-2351.

18 3. RESEARCH PROCUREMENT AND ISSUANCE OF AN ELECTRONIC LICENSE PLATE,
19 TAB OR OTHER SIMILAR DEVICE THAT STORES VEHICLE AND VEHICLE OWNER INFORMATION
20 IN AN ELECTRONIC, MACHINE READABLE FORMAT FOR LAW ENFORCEMENT AND VEHICLE
21 REGISTRATION COMPLIANCE PURPOSES.

22 4. OTHER COSTS RELATED TO LICENSE PLATE ISSUANCE AS REQUESTED BY THE
23 DIRECTOR.

24 Sec. 6. Section 28-2354, Arizona Revised Statutes, as renumbered by
25 Laws 1996, chapter 76, section 7, is amended to read:

26 28-2354. License plates: attachment

27 A. A person shall display the license plate or plates as follows:

28 1. For a ~~motor~~ vehicle, ~~motorcycle, trailer or semitrailer~~ FOR WHICH
29 ONE LICENSE PLATE IS ISSUED, on the rear.

30 2. For a vehicle for which two license plates are issued, ~~the vehicle~~
31 ~~owner shall display either of the following:~~

32 ~~(a) One plate on the rear.~~

33 ~~(b)~~ one plate on the front and one plate on the rear. THE FRONT
34 LICENSE PLATE SHALL BE KNOWN AS AN AMBER LICENSE PLATE. A VALIDATING TAB
35 SHALL NOT BE PLACED ON THE AMBER LICENSE PLATE.

36 B. A person shall display all license plates as required by subsection
37 A until their lawful use expires or is canceled or revoked. A person shall
38 maintain each license plate so it is clearly legible. A person shall
39 securely fasten each license plate to the vehicle as follows:

40 1. To prevent the plate from swinging.

41 2. At a height of at least twelve inches from the ground to the bottom
42 of the plate.

43 3. In a position to be clearly visible.

1 Sec. 7. Section 28-2354, Arizona Revised Statutes, as amended by Laws
2 2006, chapter 377, section 1, is amended to read:

3 28-2354. License plates; attachment

4 A. A person shall display the license plate or plates as follows:

5 1. For a ~~motor vehicle, motorcycle, trailer or semitrailer~~ FOR WHICH
6 ONE LICENSE PLATE IS ISSUED, on the rear.

7 2. For a vehicle for which two license plates are issued, ~~the vehicle~~
8 ~~owner shall display either of the following:~~

9 ~~(a) One plate on the rear.~~

10 ~~(b)~~ one plate on the front and one plate on the rear. THE FRONT
11 LICENSE PLATE SHALL BE KNOWN AS AN AMBER LICENSE PLATE. A VALIDATING TAB
12 SHALL NOT BE PLACED ON THE AMBER LICENSE PLATE.

13 B. A person shall display all license plates as required by subsection
14 A until their lawful use expires or is canceled or revoked. A person shall
15 maintain each license plate so it is clearly legible and so that the name of
16 this state at the top of the license plate is not obscured. A person shall
17 securely fasten each license plate to the vehicle as follows:

18 1. To prevent the plate from swinging.

19 2. At a height of at least twelve inches from the ground to the bottom
20 of the plate.

21 3. In a position to be clearly visible.

22 Sec. 8. Section 28-2356, Arizona Revised Statutes, is amended to read:

23 28-2356. Transfer of license plates to another vehicle; credit;
24 refund

25 A. Except as otherwise provided in this chapter, the owner of a
26 vehicle for which the department provided license plates pursuant to section
27 28-2351 shall retain those license plates when the owner transfers the
28 vehicle to another person.

29 B. The owner may apply for a refund or a credit of the unexpired
30 portion of the fees and taxes as prescribed in this section if both of the
31 following apply:

32 1. The owner makes proper application to the director or to an
33 authorized third party ~~pursuant to chapter 13 of this title.~~

34 2. The owner agrees to allow the department to deduct a twelve dollar
35 processing fee from the amount of the refund or credit.

36 C. If the owner applies for a credit as prescribed in this section,
37 the department may assign the license plates retained pursuant to subsection
38 A of this section to another vehicle that belongs to the owner if all of the
39 following apply:

40 1. The other vehicle is of the same vehicle type.

41 2. The owner is applying the available credit for the fees and taxes
42 to one other vehicle the owner owns or acquires.

43 3. If the available credit exceeds the amount required to pay the fees
44 and taxes, the department ~~shall issue~~ ISSUES a refund for the remaining
45 amount of credit as prescribed in this section. The department shall not

1 charge an additional twelve dollar fee pursuant to subsection B of this
2 section for issuing a refund under this paragraph.

3 4. If the vehicle license tax, gross weight fees, commercial
4 registration fees, special plate fees and motor carrier fees are more than
5 the similar fees and taxes required to register the vehicle to which the
6 license plates were previously assigned, the owner pays any additional fees
7 and taxes required after subtracting any credit allowed under this section.

8 D. If the other vehicle is not of the same vehicle type as the vehicle
9 for which the license plates were provided by the department pursuant to
10 section 28-2351, the owner shall either surrender the license plates to the
11 department or an authorized third party or submit an affidavit of license
12 plate destruction as prescribed by the director. On surrender of the license
13 plates or submission of an affidavit of license plate destruction, the
14 department shall provide new license plates of the proper vehicle type to the
15 owner and credit the owner with an amount equal to the unexpended portion of
16 the fees and taxes originally paid by the owner for registration and license
17 plates toward fees and taxes charged for the registration and license plates
18 of the appropriate new vehicle type.

19 E. The owner of a registered vehicle who transfers license plates to
20 another vehicle or who claims a refund pursuant to this section is entitled
21 to a credit or a refund for the unexpired portion of the fees and taxes paid
22 as required by law in accordance with the following conditions:

23 1. The fees and taxes are prorated on a monthly basis beginning on the
24 first day of the registration month following the date of acquisition of the
25 vehicle.

26 2. The credit or refund shall be an amount computed as follows:

27 (a) If the vehicle is registered on an annual basis, one-twelfth for
28 each full month of the registration period not yet expired.

29 (b) If the vehicle is registered on a biennial basis pursuant to
30 section 28-2159, one-twenty-fourth for each full month of the registration
31 period not yet expired.

32 (c) If the vehicle is permanently registered, one-twenty-fourth for
33 each full month after acquisition of the vehicle to the twenty-fourth month
34 after the date of initial permanent registration of the vehicle.

35 F. If the owner of a registered vehicle transfers the vehicle to
36 another person but does not transfer the license plates to another vehicle,
37 surrender the license plates to the department or an authorized third party
38 or submit an affidavit of license plate destruction within thirty days of the
39 transfer as required by section 28-2058, the unexpired portion of the fees
40 and taxes shall decrement pursuant to subsection ~~D~~ E of this section until
41 the owner either surrenders the license plates to the department or an
42 authorized third party or submits an affidavit of license plate destruction.

43 G. Except as provided in subsection C of this section, an owner of a
44 registered vehicle who transfers the vehicle to another person and either
45 surrenders the license plates to the department or an authorized third party

1 or submits an affidavit of license plate destruction may apply to the
 2 department for a refund of the unexpired portion of the fees and taxes paid
 3 if the owner does not claim a credit pursuant to this section and the
 4 refundable amount calculated pursuant to subsection D of this section exceeds
 5 the twelve dollar fee prescribed in subsection B of this section. If the
 6 department determines that the owner is entitled to a refund, the department
 7 shall send the refund by first class mail to the address provided by the
 8 owner claiming the refund or, if no address is provided, to the latest
 9 address listed on the department's records for the owner claiming the refund.

10 H. An owner who transfers license plates to another vehicle pursuant
 11 to this section is subject to the same penalties for the use of the license
 12 plates on another vehicle or for improper use of the license plates as the
 13 owner would have been subject to for use of the license plates on the vehicle
 14 to which the plates were previously assigned.

15 I. The owner of a vehicle registered in this state is not entitled to
 16 a credit or a refund pursuant to this section if the vehicle is registered in
 17 another state unless the owner is applying the credit pursuant to this
 18 section to another vehicle the owner owns or acquires for registration in
 19 this state.

20 J. THE DEPARTMENT SHALL DEPOSIT TWO DOLLARS OF EACH PROCESSING FEE
 21 RECEIVED PURSUANT TO THIS SECTION IN THE STATE HIGHWAY FUND ESTABLISHED BY
 22 SECTION 28-6991 FOR USE AS PRESCRIBED IN SECTION 28-2353.

23 ~~J.~~ K. The director shall adopt rules necessary to administer this
 24 section.

25 Sec. 9. Section 28-2402, Arizona Revised Statutes, is amended to read:

26 28-2402. Special plate fees

27 The following fees are required:

28 1. Twenty-five dollars for each pair of original and for each annual
 29 renewal of special plates issued under this article, except special plates
 30 for hearing impaired persons issued under section 28-2408 and international
 31 symbol of access special plates issued under section 28-2409.

32 2. Twelve dollars for a transfer of special plates, unless exempt
 33 pursuant to section 28-2403. THE DEPARTMENT SHALL DEPOSIT TWO DOLLARS OF
 34 EACH TRANSFER OF SPECIAL PLATES FEE RECEIVED PURSUANT TO THIS PARAGRAPH IN
 35 THE STATE HIGHWAY FUND ESTABLISHED BY SECTION 28-6991 FOR USE AS PRESCRIBED
 36 IN SECTION 28-2353.

37 Sec. 10. Section 28-6991, Arizona Revised Statutes, is amended to
 38 read:

39 28-6991. State highway fund; sources

40 A state highway fund is established that consists of:

41 1. Monies distributed from the Arizona highway user revenue fund
 42 pursuant to chapter 18 of this title.

43 2. Monies appropriated by the legislature.

44 3. Monies received from donations for the construction, improvement or
 45 maintenance of state highways or bridges. These monies shall be credited to

1 a special account and shall be spent only for the purpose indicated by the
2 donor.

3 4. Monies received from counties under cooperative agreements,
4 including proceeds from bond issues. The state treasurer shall deposit these
5 monies to the credit of the fund in a special account on delivery to the
6 treasurer of a concise written agreement between the department and the
7 county stating the purposes for which the monies are surrendered by the
8 county, and these monies shall be spent only as stated in the agreement.

9 5. Monies received from the United States under an act of Congress to
10 provide aid for the construction of rural post roads, but monies received on
11 projects for which the monies necessary to be provided by this state are
12 wholly derived from sources mentioned in paragraphs 2 and 3 of this section
13 shall be allotted by the department and deposited by the state treasurer in
14 the special account within the fund established for each project. On
15 completion of the project, on the satisfaction and discharge in full of all
16 obligations of any kind created and on request of the department, the
17 treasurer shall transfer the unexpended balance in the special account for
18 the project into the state highway fund, and the unexpended balance and any
19 further federal aid thereafter received on account of the project may be
20 spent under the general provisions of this title.

21 6. Monies in the custody of an officer or agent of this state from any
22 source that is to be used for the construction, improvement or maintenance of
23 state highways or bridges.

24 7. Monies deposited in the state general fund and arising from the
25 disposal of state personal property belonging to the department.

26 8. Receipts from the sale or disposal of any or all other property
27 held by the department and purchased with state highway monies.

28 9. Monies generated pursuant to section 28-410.

29 10. Monies distributed pursuant to section 28-5808, subsection B,
30 paragraph 2, subdivision (d).

31 11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.

32 12. Except as provided in section 28-5101, the following monies:

33 (a) Monies deposited pursuant to section 28-2206 and section 28-5808,
34 subsection B, paragraph 2, subdivision (e).

35 (b) One dollar of each registration fee and one dollar of each title
36 fee collected pursuant to section 28-2003.

37 (c) Two dollars of each late registration penalty collected by the
38 director pursuant to section 28-2162.

39 (d) The air quality compliance fee collected pursuant to section
40 49-542.

41 (e) The special plate administration fees collected pursuant to
42 sections 28-2404, 28-2412 through 28-2428 and 28-2514.

43 (f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156
44 if the director is the registering officer.

45 13. Monies deposited pursuant to chapter 5, article 5 of this title.

1 14. Donations received pursuant to section 28-2269.

2 15. Dealer and registration monies collected pursuant to section
3 28-4304.

4 16. Abandoned vehicle administration monies deposited pursuant to
5 section 28-4804.

6 17. Monies deposited pursuant to section 28-710, subsection D,
7 paragraph 2.

8 18. MONIES DEPOSITED PURSUANT TO SECTION 28-2356, SUBSECTION J.

9 19. MONIES DEPOSITED PURSUANT TO SECTION 28-2402.

10 Sec. 11. Effective date

11 Section 28-2354, Arizona Revised Statutes, as amended by Laws 2006,
12 chapter 377, section 1 and this act, is effective from and after December 31,
13 2008.